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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KOHR'S ET AL.	Examiner:	UNKNOWN
Serial No.:	10/807,463	Group Art Unit:	UNKNOWN
Filed:	MARCH 23, 2004	Docket:	6683.22USC3
Due Date:	JUNE 23, 2004		
Title:	LORDOTIC SPINAL IMPLANT		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 23, 2004.

By:

Name:

Kristine A. Wallace
Kristine A. Wallace

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement and Form 1449
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By:

Name: Karen A. Fitzsimmons

Reg. No.: 50,470

KFitzsimmons:PLSkaw



Serial No. 10/807,463

PATENT

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By:

Name:

Kristine A. Wach
Kristine A. Wach

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2) and § 1.98(d), copies have been provided only for those items listed on the enclosed Form 1449 that have not previously been cited by or submitted to the U.S. Patent and Trademark Office in parent applications, U.S. Serial No. 10/273,706 filed on October 16, 2002 now U.S. Patent No. 6,740,091; U.S. Serial No. 09/686,922 filed on October 11, 2000; U.S. Serial No. 09/036,165 filed on March 6, 1998 now U.S. Patent No. 6,165,219; and U.S. Serial No. 08/812,791 filed on March 6, 1997. Because this application was filed after June 30, 2003, a copy of U.S. Patent No. 6,740,091 listed on the enclosed Form 1449 is not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

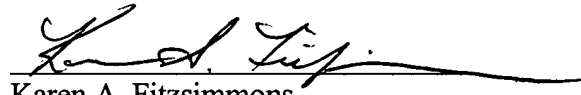
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date:

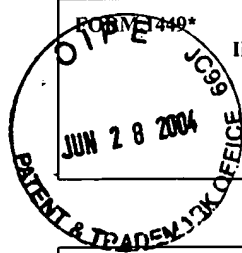
June 23, 2004



Karen A. Fitzsimmons

Reg. No. 50,470

KAF:PLSkaw


INFORMATION DISCLOSURE STATEMENT
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number:

6683.22USC3

Application Number:

10/807,463

Applicant: KOHRS ET AL.

Filing Date: 03/23/2004

Group Art Unit: UNKNOWN

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	57,124	08/1866	Gregg			
	2,388,022	12/1943	Tucker et al.			
	3,850,158	11/26/1974	Elias et al.			
	4,743,256	05/10/1988	Brantigan			
	4,834,757	05/30/1989	Brantigan			
	4,878,915	11/07/1989	Brantigan			
	4,961,740	10/09/1990	Ray et al.			
	5,015,247	05/14/1991	Michelson			
	5,098,435	03/24/1992	Stednitz et al.			
	5,147,402	09/15/1992	Bohler et al.			
	5,425,772	06/20/1995	Brantigan			
	5,443,514	08/22/1995	Steffee			
	5,458,638	10/17/1995	Kuslich et al.			
	5,484,437	01/1996	Michelson			
	5,489,307	02/06/1996	Kuslich et al.			
	5,489,308	02/06/1996	Kuslich et al.			
	5,505,732	04/1996	Michelson			
	5,534,031	07/09/1996	Matsuzaki et al.			
	5,562,371	10/1996	Reed			
	5,593,409	01/1997	Michelson			
	5,609,635	03/11/1997	Michelson			
	5,653,761	08/05/1997	Pisharodi			
	5,669,909	09/23/1997	Zdeblick et al.			
	5,741,253	04/1998	Michelson			
	5,749,916	05/12/1998	Richelsoph			
	5,766,252	06/16/1998	Henry et al.			

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 6683.22USC3	Application Number: 10/807,463
	Applicant: KOHRS ET AL.	
	Filing Date: 03/23/2004	Group Art Unit: UNKNOWN

	5,769,897	06/23/1998	Härle			
	5,782,919	07/21/1998	Zdeblick et al.			
	5,797,909	08/25/1998	Michelson			
	5,865,847	02/02/1999	Kohrs et al.			
	5,897,593	04/27/1999	Kohrs et al.			
	5,906,616	05/25/1999	Pavlov et al.			
	5,984,922	11/16/1999	McKay			
	5,984,967	11/16/1999	Zdeblick et al.			
	6,059,790	05/2000	Sand et al.			
	6,120,506	09/19/2000	Kohrs et al.			
	6,165,219	12/26/2000	Kohrs et al.			
	6,174,311 B1	01/2001	Branch et al.			
	6,210,412 B1	04/03/2001	Michelson			
	2001/0031254 A1	10/18/2001	Bianchi et al.			02/12/2001
	2002/0106393 A1	08/08/2002	Bianchi et al.			08/27/2001
	6,740,091	05/25/2004	Kohrs et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	0 646 366 A1	04/05/1995	EPO				
	0 734 703 A2	10/02/1996	EPO				
	WO 91/06261	05/16/1991	PCT				
	WO 95/22946	08/31/1995	PCT				
	WO 95/31947	11/30/1995	PCT				
	WO 96/27345	09/12/1996	PCT				

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Publication entitled <u>Ray Cervical Threaded Fusion Cage</u> of Surgical Dynamics, Concord, California, dated 1994
		Publication entitled <u>Varlock</u> of Biomat, dated November 1994
		Mark Bernhardt, "Normal Spinal Anatomy: Normal Sagittal Plan Alignment," <u>The Textbook of Spinal Surgery, Second Edition</u> , Chapter 16 (pp. 184-191), Birdwell editors, Lippincott-Raven Publishers, 1997

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